

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF YAVAPAI

FILED

DATE: February 10, 2009

2:55 O'Clock P.M.

JEANNE HICKS, CLERK

BY: Rachel Roehe

Deputy

DIVISION: 6

JEANNE HICKS, CLERK

HON. THOMAS B. LINDBERG

By: Rachel Roehe, Deputy Clerk

CASE NO. CR20081339

DATE: February 10, 2009

TITLE:

COUNSEL:

STATE OF ARIZONA

(Plaintiff)

Yavapai County Attorney

(For Plaintiff)

vs.

STEVEN CARROLL DEMOCKER

(D-1)

John Sears

Larry A. Hammond

Anne M. Chapman

OSBORN MALEDON, P.A.

2929 North Central Avenue, 21st Floor

Phoenix, AZ 85012-2794

(For Defendant)

HEARING ON:

Oral Argument

NATURE OF PROCEEDINGS

COURT REPORTER

Roxanne Tarn

START TIME: 2:01 p.m.

APPEARANCES: Steven Democker, Defendant (in custody)
John Sears, Counsel for the Defendant
Jack Fields, Deputy County Attorney
David Bodney, Counsel for American Broadcasting Companies, Inc.

Counsel argue the motion for the public records request.

The Court is informed that Anna Young is present today pursuant to subpoena. Upon request of Counsel, Anna Young is released from her subpoena and is excused from today's hearing.

Counsel for the State indicates that they are very close to completing redactions.

With regard to police reports, witness interviews, and crime scene photographs that are not gruesome or do not contain the body of the victim, the Court concludes that those are clearly public records. Under the law, they are public records open to inspection and copying. The Court has not had a showing of specific material harm as a result of disclosure of those materials.

The Court does not find a privacy interest with regard to the 911 phone call that would trump the public records law which would result in the recordings not being able to be released. The Court believes that public policy trumps the concerns with regard to the call.

IT IS ORDERED that without separately reviewing all of the witness tapes and interviews, there has not been a demonstration of an exception to the general rule for release of public records. There have not been specific articulated concerns about due process, confidentiality and privacy that would preclude the Court from issuing its ruling that these matters fall within that.

With regard to the information released to the media, **IT IS ORDERED** redacting victim locator information prior to any release to the media.

The Court **ORDERS** allowing inspection, copying and release of investigative records, police reports, crime scene photographs other than those containing the victim's body, witness interviews (taped and/or transcribed), autopsy reports, search warrant affidavits, search warrants, 911 calls and those related records with the exception of the victim locator information. The Court adds a modification to this order to protect the Defendant's privacy interests with regard to information such as bank numbers, social security numbers, credit card numbers, etc.

The Court confirms that the State is redacting all information that should be redacted to protect people's privacy interests. The Court will also leave the matter of redaction of recordings to the County Attorney's office.

The Court **ORDERS** that the requested information be released expeditiously. To the extent that the State can release as many matters as possible on Tuesday, it would be acceptable, with the remainder to be released as expeditiously as possible.

With regard to attorney fees, the request for attorney fees is **DENIED**.

END TIME: 2:55 p.m.